

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

VANESSA POWELL McCRAY)	
)	
Plaintiff,)	
)	
v.)	1:10CV196
)	
SAM'S CLUB)	
)	
Defendant.)	

ORDER

This matter is before this court for review of the Recommendation of United States Magistrate Judge ("Report") filed on August 23, 2010, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). In the Report, the Magistrate Judge recommends that Defendant's motion to dismiss (Doc. 7) be granted and that this action be dismissed with prejudice. The Report was served on the parties to this action on August 23, 2010. Plaintiff filed timely objections (Doc. 14) to the Report. Defendant filed a response to the objections (Doc. 15) on September 17, 2010. Plaintiff filed a pleading entitled "Notice of motion/Pleading" (Doc. 16) on October 19, 2010. Plaintiff also filed a request for an extension to respond to Defendant's response to the objections to the Report (Doc. 17) on October 21, 2010. Plaintiff's request is **DENIED** as moot.

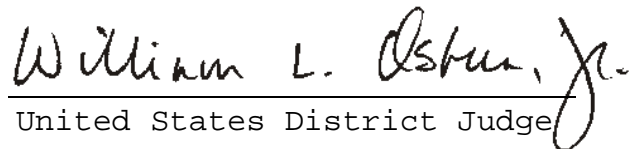
This court is required to "make a de novo determination of those portions of the Magistrate Judge's report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge . . . or recommit the matter to the Magistrate Judge with instructions." Id.

This court has appropriately reviewed the portions of the Report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's Report. This court therefore adopts the Report.

IT IS THEREFORE ORDERED that the Magistrate Judge's Report (Doc. 12) is ADOPTED.

IT IS FURTHER ORDERED THAT Defendant's motion to dismiss is **GRANTED** and this action is **DISMISSED** with prejudice. A judgment dismissing this action will be entered contemporaneously with this Order.

This the 13th day of December 2010.


United States District Judge

